

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
	§	CRIMINAL NO. 4:05CR121
v.	§	
	§	
JEREMY JOE CHAPA	§	

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on August 31, 2009 to determine whether the Defendant violated his supervised release. The Defendant was represented by Frank Henderson. The Government was represented by Amanda Griffith.

On January 12, 2006, the Defendant was sentenced by the Honorable Richard A. Schell, United States District Judge, to 21 months imprisonment followed by a 3-year term of supervised release for the offense of possession of a firearm while an unlawful user of a controlled substance. Defendant began his first term of supervision on December 8, 2006. Defendant's term of supervised release was then revoked on October 1, 2007, and Defendant was sentenced to 10 months imprisonment followed by an additional 26 months of supervised release. Defendant began his second term of supervised release on April 25, 2008.

On July 1, 2009, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender under Supervision (Dkt. 48). The petition asserts that Defendant violated the following conditions of supervision: (1) Defendant shall refrain from any unlawful use of a controlled

substance, Defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the Court; (2) Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician; (3) Defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month; and (4) Defendant shall participate in a program of testing and treatment for drug abuse, under the guidance and direction of the U.S. Probation Office, until such time as Defendant is released from the program by the probation officer.

The petition alleges that Defendant committed the following violations: (1) Defendant has admitted verbally and in writing that he has used cocaine on or about May 13, 21, and 31, and June 1 and 2, 2008; (2) Defendant failed to report to the U.S. Probation Office as directed on June 2 and 19, 2008; and (3) Defendant failed to submit to drug testing on June 2, 9, and 18, 2008, at Dr. Lee Jagers' office, Richardson, Texas.

At the hearing, Defendant entered a plea of true as to the alleged violations. The Court finds Defendant violated the terms of his supervised release. The Court further finds that Defendant's supervised release should be revoked. Defendant has waived his right to allocute before the district judge and his right to object to the report and recommendation of this Court.

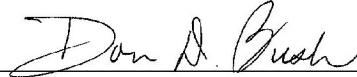
RECOMMENDATION

The Court recommends that the District Court revoke the Defendant's supervised release. Pursuant to the Sentencing Reform Act of 1984, the Court recommends that the Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of thirteen (13)

months and fifteen (15) days, with no supervised release to follow.

The Court further recommends that Defendant serve his term of imprisonment in the Bureau of Prisons facilities located in Seagoville, Texas, if appropriate.

SIGNED this 31st day of August, 2009.

A handwritten signature in cursive script, reading "Don D. Bush", is written over a horizontal line.

DON D. BUSH
UNITED STATES MAGISTRATE JUDGE